

FILED

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY *[Signature]*  
DEPUTY CLERK

COMMISSION FOR LAWYER DISCIPLINE, §  
Plaintiff, §

v. §

BRANDI K STOKES, §  
Defendant. §

CASE # 1:20-CV-0153-RP

**MOTION TO DECLARE ORDERS VOID**

NOW COMES Defendant, Brandi K Stokes, and files this Motion to Declare Orders Void, and shows the Court the following:

On or about February 4, 2020, Judge Todd Blomerth set an evidentiary hearing in Travis County Cause No. D-1-GN-18-000502 without appointing counsel for the Defendant, a protected person pursuant to the Third Geneva Convention and in violation of Geneva Conventions III, art. 104. This violation of the Geneva Conventions triggered yet another ground for removal to federal court, and on February 10, 2020, the Defendant did remove this case to federal court. On February 12, 2020, Judge Blomerth nonetheless proceeded with the hearing as scheduled and entered an order in the state proceeding notwithstanding the federal stay provision provided by 28 U.S.C. § 1446(d). Further, Judge Billy Ray Stubblefield entered an order on the same day without conducting any hearing and without notice both in violation of the Third Geneva Conventions and of the federal stay provision provided by 28 U.S.C. § 1446(d). Both of these judges were made aware of the federal stay provision prior to these orders being entered. It will be the Defendant's testimony at any hearing on the matter that Judge Todd Blomerth reacted to the Defendant's statement in open court regarding the stay by rolling his eyes.

Without waiving other grounds for relief or penalties available, the Defendant respectfully requests that this Court declare these two orders to be void for lack of jurisdiction.<sup>1</sup>

Defendant prays that the requested relief be granted.

DATED: March 9, 2020

  
\_\_\_\_\_  
Brandi K Stokes, Defendant  
Texas State Bar No. 24044940  
brandi.stokes@gmail.com | +1 512 206 0202

**CERTIFICATE OF SERVICE**

I certify that on March 9, 2020, a true and correct copy of the above was served on counsel for the Plaintiff through CMRRR at the address listed for Plaintiff.

  
\_\_\_\_\_  
Brandi K Stokes

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<sup>1</sup> There were additional anomalies at the hearing that could warrant further action by this Court, such as proceeding with a Motion for Sanctions against the Defendant despite a lack of notice; however, at this juncture, the Defendant is simply requesting the minimum relief necessary to prevent further harm.

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**CASE # 1:20-CV-0153-RP**

**ORDER ON MOTION TO DECLARE ORDERS VOID**

The Court finds that good cause exists to grant the Defendant's Motion to Declare Orders Void.

Following the filing of a notice of removal, the state court "shall proceed no further unless and until the case is remanded." 28 U.S.C. § 1446(d). The Court finds that the clear language of the general removal statute provides that the state court loses jurisdiction upon the filing of the notice of removal. The Court further finds that state District Judges Todd Blomerth and Billy Ray Stubblefield proceeded with Travis County Cause No. D-1-GN-18-000502 on February 12, 2020, despite the filing of a notice of removal in state court and that such actions were improper.

The Court finds that the orders entered by these state court judges on February 12, 2020, are void for want of jurisdiction, and those orders are hereby VACATED.  
DATED: \_\_\_\_\_

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Judge Presiding